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In re Application of STOY et al.
Application No.: 10/541,635
PCT No.: PCT/US03/28878
Int. Filing: 12 September 2003
Priority Date: 13 September 2002
Attorney Docket No.: 1135-5 PCT US
For: IMPLANT MANIPULATION AND
STORAGE TOOLS

DECISION ON
PETITION UNDER
37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 05 July 2005 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that the "entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that the basic national fee of \$150 has been provided. The required petition fee of \$750 was also paid. Thus, the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

The declaration submitted on 05 July 2005 contained duplicate page 3 and page 5 signature pages. Each page is signed by different inventors and combined into one declaration. The declaration is not properly executed. It appears that either the attorney pieced together separate complete declarations into one composite declaration or the inventors were presented with an incomplete declaration. What is required is one declaration where all inventors have signed or separate complete declarations. Thus, the requirements of 37 CFR 1.497 (a) and (b) have not been met and the declaration is unacceptable as filed.

This application is being forwarded to the United States Designated/Elected Office for further processing including issuance of a Notification of Missing Requirements indicating that an oath or declaration, in compliance with 37 CFR 1.137(b) and the surcharge for filing the oath or declaration after the thirty month period, is required.

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